IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.14318 of 2005**

DATE OF DECISION: January 15, 2007

TEHAL SINGH ...PETITIONER

VERSUS

D.H.B.V.N.L. & OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. P.L. VERMA, ADVOCATE FOR
MR. AKSHAY GOEL, ADVOCATE FOR THE PETITIONER.
MR. AMAN CHAUDHARY, ADVOCATE
FOR THE RESPONDENTS.

ASHUTOSH MOHUNTA, J. (ORAL)

The challenge in the writ petition is to the order (Annexure P-4) by which services of the petitioner have been terminated by the S/E/ (OP) Circle, Bhiwani. The petitioner was working as a Lineman under the XEN. s/u Division Bhiwani and his services were terminated as the petitioner was convicted under Section 323, 324 & 325 IPC and was sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.200/- by the Judicial Magistrate, Ist Class, Bhiwani vide judgement dated 20.9.2003. An appeal has been filed by the petitioner which is still pending.

It is the case of the petitioner that proper procedure was not followed inasmuch, as no inquiry was held before ordering his termination. The petitioner relies on Haryana State Electricity Board Employees (Punishment and Appeal) Regulations, 1980.

Learned counsel for the respondents has relied on the proviso to Rule 7 of the Haryana State Electricity Board Employees (Punishment and Appeal) Regulations, 1990 which are reproduced as under:-

"(ii) the provisions of the foregoing Sub Regulation, shall not apply where person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or where an authority empowered to dismiss or remove him, or reduce him in rank is satisfied that, for some reasons to be recorded by him in writing, it is not reasonably practicable to give him an opportunity of showing cause against the action proposed to be taken against him or wherein the interest of the security of the Board, it is considered not expedient to give to that person such an opportunity."

Learned counsel for the respondents contends that it was not necessary for the Department to hold any inquiry against the petitioner. Counsel for the respondents has also relied on the judgement in *The Deputy Director of Collegiate Education (Administration), Madras* vs. *S.Nagoor Meera*, reported as JT 1995(3) S.C. 32.

After hearing learned counsel for the parties, we are of the considered opinion that as the petitioner stands convicted under Section 323, 324 & 325 IPC and has been sentenced to undergo R.I. for 3 years, therefore, the order of termination is absolutely legal. In case, the criminal appeal filed by the petitioner is allowed then the petitioner would be entitled to all consequential benefits.

(ASHUTOSH MOHUNTA)
JUDGE

January 15, 2007
Gulati

(R.S. MADAN)
JUDGE